REMARKS

Amendment B is hereby provided after careful consideration of the Examiner's comments set forth in the Office Action mailed April 2, 2009. Claims 1-5 and 7-21 remain in the application after Amendment B is entered. Reconsideration of the application is respectfully requested in view of the amendments and remarks provided herein.

The Office Action

Certain requirements for an Abstract are stated and a change is suggested.

Claims 1-5, 8-14, and 16-21 stand rejected under 35 U.S.C. § 102(e) for allegedly being anticipated by U.S. Patent Application Publication No. 2003/0120685 to Duncombe et al.

Claims 7 and 15 stand rejected under 35 U.S.C. § 103(a) for allegedly being obvious over Duncombe in view of U.S. Patent Application Publication No. 2003/0212681 to Kasper II.

The Objections

The Abstract is in Proper Language and Format.

The first sentence of the Abstract is amended to remove "The invention concerns." The amended first sentence reads "A method for synchronizing at least one remote system with a master system and a server associated therewith are provided." Based on the foregoing, it is submitted that the amended Abstract is in proper language and format. Therefore, the Applicant respectfully requests that the objection to the Abstract be withdrawn.

The Art Rejections

Claims 1-6 and 8-9 Patentably Distinguish Over Duncombe.

Independent claim 1 is directed to a server that includes "a communication unit ...; and a control unit for: receiving from the master system and the at least one remote

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system respective first lists of files …; <u>detecting files in the first lists of files that are</u> <u>present in the master system, but missing in the at least one remote system</u>; <u>comparing</u> <u>the first lists of files and filtering out common files to form a second list of files</u>; <u>sending</u> <u>the second list of files to the master system and the at least one remote system and</u> <u>requesting respective calculations of check sums</u> …; and <u>initiating the transmission of</u> <u>files to be synchronized from the master system to the at least one remote system</u>, wherein the files to be synchronized include files from the second list of files for which different check sums were detected and <u>files from the first lists of files which were</u> <u>detected as missing from the at least one remote system</u>."

Duncombe discloses a method and system for automatically identifying changes between remotely located subject files, which changes it uses to synchronize the bit content of those files, securely and bi-directionally transferring only altered files or bits in a compressed form suitable for use on an unprepared client workstation through a public network, and automatically disengages the network connection upon completing the required transfers. The Duncombe synchronization provides access to remote files for the maintenance of consistent file content between a plurality of computing devices. See para 19.

The Duncombe system allows one or more client devices to transfer a set of data files or bits to and from a host device such that the set of data files or bits on the host device and the set of data files or bits on the subject client device(s) have the same content without transferring files that were determined by comparison (e.g. a checksum comparison) to have the same contents on both devices or systems (see para 21).

Duncombe also discloses a method of synchronizing files on a client computer with files on a server computer when the client is located remote from the server and the client and server are communicative via a network. The Duncombe method includes i) establishing communication between a client computer and a server computer; and for at least one file, comparing the bits of a file on the client with the bits of a corresponding file on the server; and ii) if the client file and the server file are not the same, then determining which file has specified characteristics; and transferring at least a portion of the file with said specified characteristics to the computer not having that file. For example, if the subject characteristic related simply to how "new" the file

versions being compared were, then the Duncombe method would include i) connecting the client to the server; and for at least one selected file, comparing one selected file on the client with a corresponding file on the server using a binary checksum; and ii) if the client file is different from the corresponding file on the server, determining which file is newer; and transferring the newer file to the computer with the older file. See para 22.

Duncombe discloses a method of synchronizing files between a client computer and a server computer when the client is located remote from the server and the client and server have at least one file, an instance of which is found on both, and the client and server are communicative via a network. This Duncombe method includes i) establishing communication between the client and server; ii) for the at least one file found on both client and server, comparing at least one bit of the file as found on the client with at least one bit of the file as found on the server; iii) if the at least one bit of the instance of the file found on the client is not the same as the at least one bit of the instance of the file found on the server, determining which instance of the file has specified characteristics; and iv) transferring the instance of the file with the specified characteristics to the computer not having that instance of the file. See para 25.

Duncombe also discloses a method that includes transmitting Get Volumes and Get Details request messages after establishing communication between the client and the server. When the client and server each have folders and files together with lists of folder details and file details, the Duncombe method may include reconciling the client and server lists of folder details and file details, and, as a result of so reconciling, marking said folders and files for processing. See para 28.

The Duncombe steps and means for file synchronizing transfers based on checksum comparisons may be achieved by using either: i) simple checksums that compare entire instances or versions of the subject file on different servers or ii) by more advanced checksums that, by identifying the binary differences between targets, effectively compare only portions or bits of the subject file to determine which portions or bits of the subject file have changed (e.g. more recent version). The Duncombe synchronizing may transfer only the altered or different bits between computing devices according to the desired outcome (e.g. update or restore). However, in executing advanced checksum comparisons, the Duncombe subject files may be organized for

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analysis into various fixed-size segments or portions such that where the subject file is smaller than the selected segment size, then the entire subject file will be transferred as it would have been according to a simple checksum configuration. See para 53.

Notably, Duncombe does not disclose or fairly suggest a server with a control unit that i) detects files in first lists of files from master and remote systems that are present in the master system, but missing in the remote system, ii) compares the lists of files and filters out common files to form a second list of files, iii) sends the second list of files to the master and remote systems with a request for respective calculations of check sums, and iv) initiates transmission of files to be synchronized from the master system to the remote system, including files from the second list of files for which different check sums were detected and files from the first lists of files which were detected as missing from the remote system as recited in claim 1.

Based at least on the foregoing, it is submitted that claim 1 is patentably distinguished from Duncombe. Accordingly, the Applicant respectfully submits that independent claim 1 and claims dependent thereon (i.e., claims 2-5 and 7-9) are currently in condition for allowance.

Claims 10-14, 16, and 17 Patentably Distinguish Over Duncombe.

Independent claim 10 is directed to a method for synchronizing at least one remote system with a master system that includes "receiving, at a comparison server, from the master system and the at least one remote system respective first lists of files …; detecting files in the first lists of files that are present in the master system, but missing in the at least one remote system; comparing the first lists of files and filtering out common files to form a second list of files; sending the second list of files to the master system and the at least one remote system and requesting respective calculations of check sums …; and initiating the transmission of files to be updated from the master system to the at least one remote system, wherein the files to be updated include files from the second list of files for which different check sums were detected and files from the first lists of files which were detected as missing from the at least one remote system."

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The April 2, 2009 Office Action use the same reasons for rejection of independent claim 10 as for the § 102(e) rejection of claim 1. Therefore, the disclosure of Duncombe identified above also relates to arguments distinguishing claim 10.

Notably, Duncombe does not disclose or fairly suggest a method that includes i) detecting files in first lists of files from master and remote systems that are present in the master system, but missing in the remote system, ii) comparing the lists of files and filtering out common files to form a second list of files, iii) sending the second list of files to the master and remote systems with a request for respective calculations of check sums, and iv) initiating transmission of files to be synchronized from the master system to the remote system, including files from the second list of files for which different check sums were detected and files from the first lists of files which were detected as missing from the remote system as recited in claim 10.

Based at least on the foregoing, it is submitted that claim 10 is patentably distinguished from Duncombe. Accordingly, the Applicant respectfully submits that independent claim 10 and claim dependent thereon (e.g., claims 11-14, 16, and 17) are currently in condition for allowance.

Claims 18-21 Patentably Distinguish Over Duncombe.

Independent claim 18 is directed to a method for synchronizing files on a remote system with files on a master system that includes "a) … receiving respective first lists of files … from the master system and the remote system; b) identifying files in the first lists of files that are present in the master system, but missing in the remote system; c) comparing the first lists of files and filtering out common files to form a second list of files …; d) sending the second list of files to the master system and the remote system and requesting respective calculations of check sums …; and h) initiating the transmission of the files identified in b) and g) from the master system to the remote system."

The April 2, 2009 Office Action use the same reasons for rejection of independent claim 18 as for the § 102(e) rejection of claim 1. Therefore, the disclosure of Duncombe identified above also relates to arguments distinguishing claim 18.

Notably, Duncombe does not disclose or fairly suggest a method that includes i) identifying files in first lists of files from master and remote systems that are present in the master system, but missing in the remote system, ii) comparing the lists of files and filtering out common files to form a second list of files, iii) sending the second list of files to the master and remote systems with a request for respective calculations of check sums, and iv) initiating transmission of files from the master system to the remote system, including files identified in) and files from the second list of files for which different check sums were identified as recited in claim 18.

Based at least on the foregoing, it is submitted that claim 18 is patentably distinguished from Duncombe. Accordingly, the Applicant respectfully submits that independent claim 18 and claim dependent thereon (e.g., claims 19-21) are currently in condition for allowance.

Claims 7 and 15 Patentably Distinguish Over the Combination of Duncombe and Kasper II.

Claim 7 depends from independent claim 1. Accordingly, claim 7 is patentably distinct from the combination of Duncombe and Kasper II for at least the same reasons provided above distinguishing claim 1 from Duncombe. Based at least on the foregoing, the Applicant respectfully submits that claim 7 is currently in condition for allowance.

Claim 15 depends from independent claim 10. Accordingly, claim 15 is patentably distinct from the combination of Duncombe and Kasper II for at least the same reasons provided above distinguishing claim 10 from Duncombe. Based at least on the foregoing, the Applicant respectfully submits that claim 15 is currently in condition for allowance.

CONCLUSION

For the reasons detailed above, it is respectfully submitted all claims remaining in the application (Claims 1-5 and 7-21) are now in condition for allowance. The foregoing comments do not require unnecessary additional search or examination.

In the event the Examiner considers personal contact advantageous to the disposition of this case, he/she is hereby authorized to telephone Alan C. Brandt, at (216) 363-9000.

Respectfully submitted,

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